

REMARKS

Applicant respectfully requests reconsideration of the subject application for the reasons set forth herein.

35 U.S.C 103(a) Rejections

Claims 1-3, 16-17 and 19-20 stand rejected as being unpatentable over Chow (U.S. Patent No. 6,470,179) in view of Tell (U.S. Patent 5,774,802). Claims 21-22 stand rejected as being unpatentable over Chow in view of Tell, and further in view of McConnell. Claims 25, 28-29 stand rejected as being unpatentable over Chow in view of Tell, and further in view of Chow (20020058495). Applicant respectfully traverses these rejections for at least the reasons set forth below.

35 U.S.C. 103(a) sets forth in part:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Hence, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to

make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure re *Vaeck*, 947 F2d 488, 20 USPQ2d 1438 (Fed. Cir. 1999).

The References Do Not Teach the Origination of All Cellular Calls From Within a Municipal Region Wherein the User Lives, Works, and Plays

The independent claims each recite, in part, that the wireless services of the present invention are cellular wireless services, and that those cellular wireless services originate from within a geographic calling region that corresponds to a municipal region. Neither Chow nor Tell teaches the limiting of the origination of cellular wireless services to a particular geographic region that corresponds to a municipal region.

Tell principally teaches the use of location calculation to determine certain billing allowances based on a subscriber's billing preferences. *See Tell, Col. 4, Lines 12-20 and Lines 56-67.* To the extent Tell includes any teaching that could arguably encompass cellular calling services originating from within a geographic calling region that corresponds to a municipal region, Tell teaches the use of "virtual zones of operation" (*See Tell, Col. 4, Lines 56-67*) in which services may be provided. However, **Tell specifically teaches that calls are not limited to any such "virtual zones of operation," but are instead recorded to identify those calls which occurred in the zone by the participants in the calling plan** (*See, e.g., Tell, Col. 4, Lines 34-44*). In other words, Tell is not providing wireless services in a specific region, but rather providing the ability to track the location of a user of a calling plan to differentiate the billing of the user for calls outside a chosen "virtual zone of operation". As such, Tell fails to teach the construction of a calling region as claimed in the present invention.

Further, Applicant respectfully notes that the Examiner notes that Chow fails to teach the construction of a calling region as claimed in the present invention. The present invention constructs a calling region with regard to the limited geographic region that approximates the municipality wherein the user lives, works, and plays. As such, the landline devices typically used by a user can be replaced by a single cellular device through the use of the present invention. In direct contrast to the present invention, Chow teaches the selection of “zones” that may correspond to a user’s home, or a neighbor or family member’s home, for example. As such, at most Chow teaches the selection of particular zones from within a region, and in no way teaches the selection of a geographic region that approximates a municipal region in which a user lives, works, and plays.

Therefore, Applicant submits that the cited references of Tell and Chow, neither individually nor in combination, teach or suggest the limiting of the origination of cellular wireless services to only a limited geographic region that approximates a municipal region in which a user lives, works, and plays.

Wherefore, Applicant submits at least the independent Claims are patently distinguishable over the prior art of record. Applicant further submits each of the dependent claims is similarly distinguishable over the prior art of record, at least by virtue of each Claim’s ultimate dependency from a patentably distinct base Claim.

Conclusion

Wherefore, Applicant believes all outstanding grounds raised by the Examiner have been addressed, and thus respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to be 'E. Behm Jr.', written over a horizontal line.

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